Remarks/Arguments:

Claims 1-13 are pending and rejected in the application. New claims 14-17 have been added. No new matter has been added.

On page 3, the Official Action rejects claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Choi (US 6,985,191) in view of Lee (US 2003/0163746). Applicant respectfully traverses this rejection for at least the reasons set forth below.

Applicant's invention, as recited by claim 1, includes features which are neither disclosed nor suggested by the art of record, namely:

> **... a disk section ...**
>
> **... a processing section ...**
>
> **... a disk start controller which controls said disk section and said processing section ...**
>
> **... a storage section of storing a flag indicating one of: a disk start disabling mode or a disk start enabling mode ...**
>
> **... a disk start mode setting section of setting an operating mode of the disk section between the disk start disabling mode in which said disk section is not powered ON and the disk start enabling mode in which said disk section is powered ON ...**
>
> **... said disk start controller, responsive to the disk apparatus being power ON,**
>
> **(1) carries out control so as to apply power to said processing section without applying power to said disk section when said storage section stores the flag indicating said disk start disabling mode, and**
>
> **(2) carries out control so as to apply power to said disk section and said processing section when said storage section stores the flag indicating said disk start enabling mode.**

Applicant's claim 1 relates to a disk apparatus which has two operating modes. Specifically, in a first operating mode, power is supplied to a processing section without applying power to a disk section. In the second operating mode, the power is supplied to both the processing section and disk section. Support for this feature can

be at least found in Figs. 5-8 where Fig. 6 shows the power is being supplied to only the processing section 17, and where Fig. 8 shows the power being applied to both processing section 17 and disk section 12. This feature is also described on pages 21-22 of Applicant's specification. No new matter has been added.

As described in columns 6 and 7, Choi suggests a computer that sets the CPU in a normal mode and in a power saving mode. Specifically, after a user reserves a recording time (time to record a program), the user may then manually set the CPU in the power saving mode (the CPU sleeps) while the computer is still powered ON. Choi's system then monitors a timer in the computer which is always powered ON. The timer sets the CPU back in the normal mode (wakes up the CPU) when it is time to record the program. Thus, Choi's computer is never powered OFF (the timer is continuously running in the power saving mode). Therefore, Choi's computer does not check a mode flag in response to the computer being powered ON because Choi's computer is never powered OFF (the computer merely goes into a sleep mode).

This feature is at least described in Column 6 and 7 of Choi ("*mode selection window display 80 for selecting a power mode (that is, power saving mode or normal mode) user can select a power saving mode while he or she is not using the computer after setting up the reserve recording conditions, and he or she can select a normal mode while he or she continues to use the computer ... power control part 55 controls the supply or power to the CPU 10 according to the reserve recording conditions so that the power mode is automatically changed to the normal mode in which power supplied to the CPU 10, or to the power saving mode in which power is not supplied to the CPU 10*").

Thus, Choi's CPU goes to sleep. After a predetermined time, the computer wakes up. However, Choi's system does not apply power to the disk section and processing section in response to the computer being powered ON, because Choi's computer is never powered off (specifically, Choi does not suggest a power switch turning off the computer).

Applicant's claim 1 is different than the art of record, because in response to the disk apparatus being powered ON, one of two operating modes is selected ("*... a disk section ... a processing section ... a disk start controller which controls said disk*

section and said processing section ... a storage section of storing a flag indicating one of a disk start disabling mode or a disk start enabling mode ... a disk start mode setting section of setting an operating mode of the disk section between the disk start disabling mode in which said disk section is not powered ON and the disk start enabling mode in which said disk section is powered ON ... said disk start controller, responsive to the disk apparatus being power ON, (1) carries out control so as to apply power to said processing section without applying power to said disk section when said storage section stores the flag indicating said disk start disabling mode, and (2) carries out control so as to apply power to said disk section and said processing section when said storage section stores the flag indicating said disk start enabling mode").

As shown in Applicant's Fig. 6, a power switch 32 controls the power to the disk apparatus. Power switch 32 is able to power ON/OFF the disk apparatus. In response to the power switch 32 powering on the disk apparatus, disk start controller 13 checks a pre-stored flag and determines whether a first operation mode should be entered or a second operation mode should be entered. For example, when power switch 32 powers on the disk apparatus, the disk start controller 13 may close switch 34 to apply power to only processing section 17. In another example, as shown in Fig. 8, when power switch 32 powers on the disk apparatus, the disk start controller 13 may close both switches 33 and 34 to power ON both the hard disk 12 and processing section 17. Thus, the disk start controller applies power to the hard disk 12 and processing section 17 in response to the disk apparatus being powered ON (e.g. in response to power switch 32 being turned on).

In similar art, paragraphs 1-6 and 18 of Lee suggest a system where a power down mode stops power to a CD drive while a small amount of power is still applied to the CPU. However, Lee's power down mode does not make up for the deficiencies of Choi's system. Specifically, Lee's system does not suggest entering the power down mode in response to the disk apparatus being powered ON.

Accordingly, for the reasons set forth above, claim 1 is patentable over the art of record.

Independent claim 9 includes similar features to claim 1. Thus, independent claim 9 is also patentable over the art of record for at lest the reasons set forth above with respect to claim 1.

Dependent claims 2-8 and 10-13 depend upon allowable claims 1 or 9. Thus, dependent claims 2-8 and 10-13 are also patentable over the art of record for at least the reasons set forth above with respect to claims 1 and 9.

New dependent claims 14-17 describe the first function where the operating mode may be either set in a disabling mode or an enabling mode. Claims 14-17 also describe a second function where the operating mode may be only set to a disabling mode.

For example, the first function may be where a user is able to either manually set the operating mode to be disabling or enabling (see pages 15 and 16 of Applicant's specification for support). The second function may be set by the manufacturer before shipping the disk apparatus so that the disk section is always set into a disabling mode and therefore minimizes damage upon installation (see pages 12 and 13 of Applicant's specification for support). Thus, dependent claims 14-17 are also patentable over the art of record for at least the reasons set forth above.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia

Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicant

RAE/dmw

Dated: November 12, 2010

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700
FP_997573